

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

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ASSOCIATION OF AMERICAN RAILROADS;  
AMERICAN SHORT LINE AND REGIONAL  
RAILROAD ASSOCIATION; and NATIONAL  
WASTE & RECYCLING ASSOCIATION – NEW  
YORK STATE CHAPTER,

Plaintiffs,

v.

BASIL SEGGOS, Commissioner of the New York  
Department of Environmental Conservation; and  
LETITIA JAMES, Attorney General of New York,

In their official capacities,

Defendants.

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Case No.  
24-cv-00135(RA)

**NOTICE OF MOTION**

**PLEASE TAKE NOTICE** that, upon the accompanying Memorandum of Law in Support of the State’s Motion to Dismiss the Complaint, dated March 6, 2024, the declaration of Philip Bein, dated March 6, 2024, and all prior papers, pleadings, and proceedings in this action, defendants Basil Seggos, as Commissioner of DEC and Letitia James, as Attorney General of the State of New York (together, the State) will move before the Honorable Ronnie Abrams, United States District Judge, at the Thurgood Marshall United States Courthouse, 40 Foley Square, New York, NY 10007, on a date and time to be determined by the Court or as soon thereafter as counsel can be heard, for an order (i) granting the State’s motion to dismiss the complaint for failure to state a claim upon which relief can be granted pursuant to

Rule 12(b)(6) of the Federal Rules of Civil Procedure, and (ii) granting such other and further relief as this Court deems just and proper;

**PLEASE TAKE FURTHER NOTICE** that opposition papers must be served and filed no later than 14 days after service and filing of these motion papers.

Dated: New York, New York  
March 6, 2024

LETITIA JAMES  
Attorney General of New York  
*Attorney for Defendants*

By: /s/ Philip Bein  
Philip Bein (PB 1742)

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